

20CV012696

UNITED STATES DISTRICT COURT *FILED**Eastern**Western* District of North Carolina

for the

2020 NOV -9 PM 11:37

4,2020 BY C.R.C.

Wake Division*BT*

Amy McNish
1118 Langstonshire Lane
Morrisville, NC 27560

Case No.

20CV012696

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

M. Patel | Ravi Desai | Barbara Christian
Country Inn & Suites
201 Airgate Dr Morrisville, NC 27560

Jury Trial: (check one) Yes No*Defendant(s)*

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	T. Amy McNish
Street Address	1118 Langstonshire Lane
City and County	Morrisville, Wake
State and Zip Code	North Carolina 27560
Telephone Number	(404)573-2218
E-mail Address	Amy.McNish@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Mital M. Patel, Owner CEO Country Inn & Suites
Job or Title (<i>if known</i>)	Opal Hotels RDU Airport LLC dba Opal Hotels Group
Street Address	5540 McNeely Drive, Suite 301
City and County	Raleigh, Wake
State and Zip Code	North Carolina, 27612
Telephone Number	(919) 274-1513
E-mail Address (<i>if known</i>)	mital@opalhotelsgroup.com

Defendant No. 2

Name	Ravi Desai, Owner COO Country Inn & Suites
Job or Title (<i>if known</i>)	Opal Hotels RDU Airport LLC dba Opal Hotels Group
Street Address	5540 McNeely Drive, Suite 301
City and County	Raleigh, Wake
State and Zip Code	North Carolina, 27612
Telephone Number	(919) 766-6504
E-mail Address (<i>if known</i>)	ravi.desai@opalhotelsgroup.com

Defendant No. 3

Name	Barbara Christian, HR Director Country Inn & Suites
Job or Title (<i>if known</i>)	Opal Hotels RDU Airport LLC dba Opal Hotels Group
Street Address	5540 McNeely Drive, Suite 301
City and County	Raleigh, Wake
State and Zip Code	North Carolina, 27612
Telephone Number	(919) 766-8559
E-mail Address (<i>if known</i>)	bchristian@opalhotelsgroup.com

Defendant No. 4

Name	_____
Job or Title (<i>if known</i>)	_____
Street Address	_____
City and County	_____
State and Zip Code	_____
Telephone Number	_____
E-mail Address (<i>if known</i>)	_____

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Country Inn & Suites RDU
Street Address	201 Airgate Drive
City and County	Morrisville, Wake
State and Zip Code	North Carolina, 27560
Telephone Number	(919) 544-1010

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Other federal law (*specify the federal law*):

Relevant state law (*specify, if known*):

Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- Failure to hire me.
- Termination of my employment.
- Failure to promote me.
- Failure to accommodate my disability.
- Unequal terms and conditions of my employment.
- Retaliation.
- Other acts (*specify*): Please See Additional Attachments

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
January 22, 2020 - February 25, 2020

C. I believe that defendant(s) (*check one*):

- is/are still committing these acts against me.
- is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (*check all that apply and explain*):

- race Please see attachments....
- color Please see attachments....
- gender/sex Please see attachments....
- religion
- national origin Please see attachments....
- age (*year of birth*) (only when asserting a claim of age discrimination.)
- disability or perceived disability (*specify disability*)

E. The facts of my case are as follows. Attach additional pages if needed.

Please see attachments... All evidence presented for this case is in this protected Google Drive Folder, which holds about 32 Attachments and explanations of each attachments. To view, please type the following link address in the chrome web browser: <http://bit.ly/MCNISHvsOPALHOTELS> (Some attachments are with this presented case.)

This action is brought pursuant to Title VII of the Civil Rights Act of 1964 as amended, for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. Section 2000e(5).

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

02/27/2020

B. The Equal Employment Opportunity Commission (check one):

has not issued a Notice of Right to Sue letter.

issued a Notice of Right to Sue letter, which I received on (date) 08/12/2020

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

60 days or more have elapsed.

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Equitable and other relief are also sought under 42 U.S.C. 2000e(5)(g). Jurisdiction is also based on 28 U.S.C. Sections 1331, 1343 and 42 U.S.C. Sections 1981 et seq.

I believe I am entitled to the following relief: The Civil Filing seeking the relief of maximum allowed, \$9,999.00 for Defamation and Slander. (Attached)

For the District Court Filing seeking the relief of one full year (12 months) of salary, at the rate of the position before wrongfully terminated. All Mental Health Doctors appointments for the prior months, and the next 12 months. All legal fees and filing fees. And any other applicable expenses and fees.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/09/2020

Signature of Plaintiff

Printed Name of Plaintiff



T. Amy McNish

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address